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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,728	04/19/2001	Jan Spooren	522-1739	9515

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EXAMINER

COULTER, KENNETH R

ART UNIT PAPER NUMBER

2141

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/838,728	<b>Applicant(s)</b> SPOOREN ET AL.	
	<b>Examiner</b> Kenneth R Coulter	<b>Art Unit</b> 2141	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1 – 20 are objected to because of the following informalities:

“in which copyright ***subsides***” (claim 1, line 1; claim 6, line 1; claim 11, line 1; claim 16, line 1).

Appropriate correction is required.

### *Specification*

2. The disclosure is objected to because of the following informalities:

“in which copyright ***subsides***” (throughout the specification).

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being disclosed by Ginter et al. (U.S. Pat. No. 6,658,568) (Trusted Infrastructure Support System, Methods and Techniques for Secure Electronic Commerce Transaction and Rights Management).

4.1 Regarding claim 1, Ginter discloses a method for managing electronic media in which copyright resides, comprising the steps of:

providing a digital representation of a work with digital content and a permissions data set specifying a set of rules concerning authorized use of the work, the rules including a relationship between at least one time measure and a permission or license term (Fig. 56, item 784; Abstract; col. 36, line 35 “digital time stamp”; col. 93, lines 52 - 63);

registering the work on a server, the server being connected for on-line data transfers with at least one computer (Fig. 43; col. 75, lines 5 - 17);

examining the set of rules in response to a request to license the work (Abstract; col. 13, lines 19 - 43);

comparing the time measure with a clock time at the receipt of the request and transmitting a set of license terms from the server to the computer in accordance with the relationship between the at least one time measure and the permission or license term (Fig. 51(d), item 560(3); col. 84, lines 32 - 53; Fig. 56, item 784; Abstract; col. 36, line 35 “digital time stamp”; col. 93, lines 52 - 63); and

transmitting a number of copies of the work to the computer on receipt of a response from the computer indicating acceptance of the terms, the number having the value of at least one (Abstract; Figs. 40, 41, 50).

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4.2 Per claim 2, Ginter teaches the method according to claim 1, further comprising the step of: generating a copyright certificate certifying the number of copies transmitted and at least a part of the permissions data set valid for the copies (col. 118, lines 14 - 18), and digitally signing the certificate (Fig. 51F; col. 87, lines 30 - 38 "digitally signing the digital certificate").

4.3 Regarding claim 3, Ginter discloses the method according to claim 2, further comprising storing the digital copyright certificate on the server (Fig. 12, item 400; Fig. 48, item 554; Fig. 50A; col. 28, line 63 - col. 29, line 16).

4.4 Per claim 4, Ginter teaches the method according to claim 2, further comprising the step of generating a hyperlink reference to an on-line accessible version of the copyright certificate and transmitting the hyperlink reference to the computer (Fig. 46, items 452(5), 452(7), 452(8); Fig. 4(a); Abstract "automated transaction processing for use in electronic commerce and **electronic rights** and transaction management over an electronic network such as the **Internet**"; col. 77, lines 11 - 34 "Rights holders may send these control sets 188 directly to consumers 95 (block 452(5))").

4.5 Regarding claim 5, Ginter discloses the method according to claim 1, wherein the digital copyright certificate is signed with a private key of a person who is not the owner of the copyright (Figs. 50, 50A, 51E, 51F; col. 83, line 62 - col. 84, line 31; col. 87, lines 30 - 38; col. 114, lines 48 - 61).

4.6 Per claims 6 – 20, the rejection of claims 1 – 5 under 35 USC 102(e) (paragraphs 4.1 – 4.5 above) applies fully.

However, Ginter does not explicitly disclose that the clock time is determined by reference to at least two reference clocks.

The Examiner takes official notice that it would have been inherent to implement dual reference clocks in Ginter in order to have redundant clocks in case one clock fails or if power to one clock is lost.

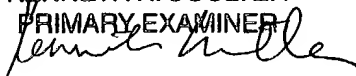
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER  
PRIMARY EXAMINER



krc